

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Richard Harris

Chapter 13 Debtor

Case No. 20-22154-SHL

Chapter 13

Honorable Sean H. Lane
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**APPLICATION PURSUANT TO LOCAL RULES 9019-2 AND 9074-1
TO APPROVE LOAN MODIFICATION**

**TO: THE HONORABLE SEAN H. LANE, UNITED STATES BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK**

The Application of the Debtor, Richard Harris, respectfully represents:

1. On January 28, 2020, the Debtor filed the above-captioned case under Chapter 13 of the United States Bankruptcy Code.
2. On February 12, 2012, a Loss Mitigation Order with respect to the Debtor's primary residence at 23 Nottingham Circle, Peekskill, New York with Wells Fargo Bank, NA was granted.
3. On February 28, 2020, Wells Fargo Bank, NA filed claim number 5 in the within case for the full balance on the aforesaid mortgage.
4. In addition, Wells Fargo Bank, NA filed a second claim, Number 6, for a second mortgage held on the same property. That mortgage is subject to a motion to "strip" the lien associated therewith.
5. On October 8, 2021, Wells Fargo Bank, NA, offered the Debtor a Final Loan Modification in the form annexed hereto as Exhibit A.
6. The Final Loan Modification has been sent to the Debtor and it is anticipated that same will be sent back to the lender and be effective before the Order is presented to the Court for signature.

Presentment Date: November 12, 2021, 9:00 am

Objection Date: November 5, 2021 5:00 pm

7. The Loan Modification provides that the new principal of the loan with recapitalized pre-petition and post-petition arrears is \$334,667.7. The aforesaid sum is to be paid as follows:

Interest Rate	Principal and Interest Payment	Initial Escrows	Payment Date Begins	Term
4.6650%	\$1568.79	\$350.07	11/1/2021	171

8. The anticipated monthly payment including current escrows for taxes and insurance will be \$1918.86.
9. As part of the Loan Modification, the sum of \$138,971.14 is considered deferred non-interest bearing principal secured by a subordinate partial claim mortgage
10. The remaining balance of \$195,696.62 will bear interest at the rate of 4.665%
11. The Debtor has accepted and executed the aforescribed and annexed loan modification and is in the process of completing the packet and sending the notarized papers back to Wells Fargo. He fully understands the terms and conditions set forth herein and believes that it is in his best interest to accept same.

WHEREFORE, it is respectfully requested that the Court enter the annexed Order approving the Loan Modification Agreement; allowing Carrington Mortgage Services, LLC to amend its claim and that the Debtor be granted such other and further relief as the Court may deem just and appropriate

Dated: Denville, NJ
October 13, 2021

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